Plaintiff

🗓 110 Insurance

☐ I30 Miller Act

☐ 196 Franchise

ORIGIN

Original

120 Marine

IF ANY DATE 914/13 OR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



(e)

APPENDIX I

# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

### CASE MANAGEMENT TRACK DESIGNATION FORM

	THOMAS D. MCCANDLESS :	CIVIL ACTION NO.							
	v. :								
(	OXFORD LAW, LLC	NO		13	5	17	5		
	and :								
1	JOHN DOES 1-5 :								
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.  SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:									
SELEC	ONE OF THE FOLLOWING CASE M	IANAGEW	IENI IN	ACKS:					
(a)	Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255.						(	)	
	Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits						1	(	)
(c)	Arbitration – Cases required to be designate	ed for arbitr	ation und	er Local Ci	vil Ru	le 53.2	2.	(	)
` '	Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.							(	)

management cases)

Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special

Standard Management - Cases that do not fall into any one of the other tracks. (f)

THEODORE E. LORENZ Attorned at Law Attorney for Plaintiff

610-667-0552 610-822-0781 lorenz@consumerslaw.com E-Mail Address **Telephone Fax Number** (Civ.660) 10/02

APPENDIX F

Case 2:13-cy-05175-CMR Document 1 Filed 09/04/13 Page 3 of 12
APPENDIX
FOR THE EASTERN DISTRICT OF PENNSYS AT 12 DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 304 N. Snowdon Court, Exton, PA 19341	<u> 13 51</u> 75						
Address of Defendants 311 Veterans Highway, Levittown, PA 19056							
Place of Accident, Incident or Transaction:							
Use Reverse Side For Additional Space)  Does this civil action involve a nongovernmental corporate party with any parent corp  (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Ci							
Does this case involve multidistrict litigation possibilities?	Yes 🔲 No 🗵						
RELATED CASE, IF ANY:							
Case Number: Judge	Date Terminated:						
Civil cases are deemed related when yes is answered to any of the following quest:	ions:						
1. Is this case related to property included in an earlier numbered suit pending or	r within one year previously terminated action in this court? Yes ☐ No ☑						
2. Does this case involve the same issue of fact or grow out of the same transact action in this court?	Yes \(\sigma\) No \(\sigma\)						
3. Does this case involve the validity or infringement of a patent already in suit or	r any earlier numbered case pending or within one year previously						
terminated action in this court?	Yes □ No ⊠						
CIVIL: (Place 🖾 in ONE CATEGORY ONLY)  A. Federal Question Cases:  1.	<ul> <li>B. Diversity Jurisdiction Cases:</li> <li>1. ☐ Insurance Contract and Other Contracts</li> <li>2. ☐ Airplane Personal Injury</li> </ul>						
3.  Jones Act-Personal Injury	3. Assault, Defamation						
4. Antitrust	4. Marine Personal Injury						
5. Patent	5. Motor Vehicle Personal Injury						
6. Labor-Management Relations	6.  Other Personal Injury (Please specify)						
7. Civil Rights	7. Products Liability						
8. Habeas Corpus	8. Products Liability (Asbestos)						
9. Securities Act(s) Cases	9. All other Diversity Cases						
10. Social Security Review Cases	(Please specify)						
11/1/2 All other Federal Question Cases							
(Please specify) Fair Debt Collection Practices Act, 15 U.S.C. § 1692							
(Check approp I. Therefore Lorenz, counsel of record do hereby ce	the best of my knowledge and belief, the damages recoverable in this civil						
Relief other than monetary damages is sought	- <del></del>						
DATE: 9/4/13	67795 Attorney I.D.						
Attorney-at-Law	Attorney I.D.						
NOTE: A trial de novo will be a trial by jury or	nly if there has been compliance with F.R.C.P. 38.						
I certify that, to my knowledge, the within case is not related to any case now as noted above.	pending or within one year previously terminated action in this court except						
DATE: 9/4/13	67795						
CIV.609 (4/03) Attorney at-Law	Attorney I.D. SEP 4 2013						

Case 2:13-cv-051 Document 1 Filed 09/04/13 Page 4 of 12

# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS D. MCCANDLESS

304 N. Snowdon Court

Exton, PA 19341

Plaintiff,

VS.

NO.

**CLASS ACTION** 

13

5175

OXFORD LAW, LLC 311 Veterans Highway Levittown, PA 19056

and

JOHN DOES 1-5 311 Veterans Highway Levittown, PA 19056

Defendants.

FFLEED

#### **COMPLAINT**

#### I. **INTRODUCTION**

- This is a consumer class action brought pursuant to the Fair Debt Collection 1. Practices Act, 15 U.S.C. §1692 ("FDCPA"). The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices.
- Defendant is a debt collector masquerading as a Pennsylvania law firm. In the 2. course of trying to collect from consumers, Defendant sent collection duns to Plaintiff and the Class purporting to come from a law firm – "Oxford Law, LLC". In fact, Oxford Law, LLC is not a law firm, but a collection agency holding itself out as a Pennsylvania law firm. Defendant's misleading and deceptive use of phony law firm letterhead violates the FDCPA.

#### II. **JURISDICTION**

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.



#### III. PARTIES

- 4. Plaintiff Thomas D. McCandless (hereinafter "McCandless") is a consumer who resides at 304 N. Snowdon Court, Exton, PA 19341.
- 5. Defendant Oxford Law, LLC ("Oxford Law") is a debt collector with an office for the regular transaction of business at the address captioned.
- 6. Defendant John Does 1-5 are individuals or entities who own or control the collection agency that does business as Oxford Law. Their identities are presently not known, but they will be substituted as proper parties as soon as they are known. John Does regularly use instrumentalities of interstate commerce or the mails in connection with the collection of debt through Oxford Law or regularly attempt to collect debts owed or asserted to be owed to another. John Does own, operate or control Oxford Law and thus use a name other than their own that indicates that they are attempting to collect debts. John Does are debt collectors under 15 U.S.C. § 1692(a)(6).
- 7. Defendants regularly engage in the collection of consumer debts in the Eastern District of Pennsylvania using the mails and telephone.
  - 8. Defendants regularly attempt to collect consumer debts alleged to be due another.
- 9. Defendants each are a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).
- 10. The underlying debt of McCandless and the Class that Defendants were seeking to collect were incurred primarily for personal, family or household use.

## IV. STATEMENT OF CLAIM

- 11. On or about May 30, 2013, Oxford Law sent to McCandless a collection dun, a true copy of which is attached hereto as Exhibit "A" (redacted per local rule).
- 12. The May 30, 2013 collection dun is on the letterhead of "Oxford Law, LLC" and states in part: "This office represent the above named client, DRS, LLC who has placed the above-styled matter for collection."
  - 13. The collection letter is signed by "Oxford Law, LLC".
  - 14. Oxford Law lists its address at 311 Veterans Highway, Levittown, PA.
- 15. In reality, and unbeknownst to the consumer, Oxford Law is not a Pennsylvania law firm.
  - 16. Oxford Law is a debt collection agency masquerading as a Pennsylvania law firm.
- 17. The FDCPA prohibits debt collectors from using any false, deceptive, or misleading representations or means in connection with the collection of any debt. 15 U.S.C. § 1692e.
- 18. The FDCPA prohibits debt collectors from using unfair or unconscionable collection tactics. 15 U.S.C. §1692f.
- 19. Oxford Law and John Does 1-5 have violated the FDCPA by posing as a Pennsylvania law firm, sending collection duns on phony lawyer letterhead, and collecting payments from consumers under the bogus guise of being a law firm in Pennsylvania.
- 20. Oxford Law and John Does 1-5 have been unjustly enriched as a result of their deceptive, unfair and misleading collection tactics.

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#### V. CLASS ALLEGATIONS

- 21. Plaintiff brings this action on his own behalf and on behalf of a class designated pursuant to Rules 23(a) and 23 (b)(3) of the Federal Rules of Civil Procedure.
  - 22. Plaintiff proposes to define the Class as:
    - (a) Persons with Pennsylvania addresses;
    - (b) To whom letters were sent on the letterhead of Oxford Law, LLC;
    - (c) In an attempt to collect a debt incurred primarily for personal, family or household purposes;
    - (d) During the period commencing one year prior to the filing of the Complaint in this action.
- 23. The Class is believed to be so numerous that joinder of all members is impractical. The Complaint concerns mass-produced form collection letters.
  - 24. There are questions of law or fact common to the Class. These include:
    - (a) Whether defendant(s) engaged in false, deceptive or misleading collection conduct by sending out collection letters purporting to come from a law firm;
    - (b) Whether defendant(s) engaged in unfair or unconscionable collection conduct by sending collection letters purporting to come from a law firm;
    - (c) Whether defendant(s) routinely held themselves out as a Pennsylvania law firm when they were not;
    - (d) Whether defendant(s) collected funds from consumers under the guise of a law firm;
- 25. The claims of the Plaintiff are typical of those of the class. All are based on the same factual and legal theories.
- 26. Plaintiff will fairly and adequately protect the interest of the class. Plaintiff has no interest antagonistic to those of the class.

- 27. Plaintiff's counsel is competent and experienced in consumer credit cases and class actions.
- 28. Defendants have acted on grounds generally applicable to the class thereby making final relief appropriate with respect to the class as a whole.
- 29. The questions of law and fact common to the class predominate over any questions affecting only individual members. The class action is superior to other available methods for the fair and efficient adjudication of this controversy.
- 30. The class members are consumer debtors who may be unable to locate or afford to hire lawyers. Most are probably unaware that their rights, and the FDCPA have been violated.
- 31. The class may be certified under Rule 23(b)(3), as such represents a superior method for the fair and efficient adjudication of this controversy.

#### COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

#### VI. <u>CAUSE OF ACTION</u>

- 32. The defendant(s) have violated:
  - (a) 15 U.S.C. §1692e by using false, deceptive or misleading representations and means in connection with the collection of consumers debt as set forth above;
  - (b) 15 U.S.C. §1692f by using unfair or unconscionable means to collect or attempt to collect a consumer debt.

**WHEREFORE,** Plaintiff prays that this Court certify the class and enter a judgment for Plaintiff and the Class members against defendant Oxford Law, LLC and John Does 1-5 and:

- (a) Award damages to Plaintiff and to the Class as provided by 15 U.S.C. §1692k;
- (b) Awarding Plaintiff and the Class their costs and reasonable attorney's fees; and
- (c) Granting such other relief as may be deemed just and proper.

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# VII. <u>DEMAND FOR JURY TRIAL</u>

Plaintiff demands a trial by jury as to all issues so triable. F.R.Civ.P.38.

Respectfully submitted:

Date: 9/4/13

Y L. FUTTER

THEODOKE E. LORENZ ANDREW M. MILZ

FLITTER LORENZ, P.C. 450 N. Narberth Avenue Narberth, PA 19072 (610) 822-0782

# **EXHIBIT "A"**

## Oxford Law, LLC

311 Veterans Highway Suite 100 A Levittown, Pa 19056 (215) 526-2600 Fax (215) 526-2618 Toll Free (877) 543-6151 OXFORDLAWPC.COM

Thomas D Mccandless 304 N SNOWDON CT Exton PA 19341

May 30, 2013

RE:

Client:

Your Account Number:

Original Creditor:

Original Account Number:

Amount Due:

DRS, LLC

PROVIDIAN/CREDIT CARD

ount Due:

#### Dear Thomas D Mccandless

This office represents the above named client, DRS, LLC, who has placed the above-styled matter for collection. This is a demand for full payment because you have had ample time to pay your debt. Sometimes we can arrange installment payments but you must contact this office for arrangements. At this time, no attorney with this firm has personally reviewed the particular circumstances of your account.

#### **NOTICE OF IMPORTANT RIGHTS**

UNLESS YOU, THE CONSUMER, WITHIN THIRTY DAYS AFTER RECEIPT OF THIS NOTICE, DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION THEREOF, WE WILL ASSUME THE DEBT TO BE VALID. IF YOU THE CONSUMER NOTIFY US IN WRITING, WITHIN THE THIRTY DAY VALIDATION PERIOD THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, WE WILL OBTAIN VERIFICATION OF THE DEBT OR A COPY OF A JUDGMENT AGAINST YOU, THE CONSUMER, AND A COPY OF SUCH VERIFICATION OR JUDGMENT WILL BE MAILED TO YOU BY OUR OFFICE. UPON YOUR WRITTEN REQUEST WITHIN THE THIRTY DAY VALIDATION PERIOD, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

Please contact our office at 1-877-543-6151.

Oxford Law, LLC.

8105934

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

#### IMPORTANT NOTICE OF RIGHTS

We are required under state and/or federal law(s) to notify consumers of certain rights. This list does not include a complete list of rights consumers may have under state or federal laws and regulations.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Act require that, except under unusual circumstances, collectors may not contact you before 8a.m or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not make false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or to enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <a href="https://www.ftc.gov">www.ftc.gov</a>. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Colorado Residents: A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. FOR MORE INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT SEE:

www.coloradoattorneygeneral.gov/ca

Address of Law Office: 717 17th Street, Suite 2300, Denver, Colorado 80202

Telephone Number Toll Free, 866-436-4766

Kansas Residents: An investigative consumer report, which includes information as to your character, general reputation, personal characteristics and mode of living whichever are applicable, may be made or obtained. Within a reasonable period of time after your receipt of this letter, upon your written request for additional information regarding the scope and nature of our investigation, complete and accurate disclosure of the nature and scope of the investigation requested will be provided.

**Utah Residents:** As required by Utah law, you are hereby notified that a negative credit report reflecting your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Federal Law or other state laws may also provide you with similar or even greater rights

#### IMPORTANT INFORMATION ABOUT CREDIT REPORTING

Our clients may report information about your account to credit bureaus.

Oxford Law, LLC, reserves the right to monitor and/or record telephone calls for training, quality, and compliance purposes including calls originated by, or made to, Oxford Law, LLC. Calling into Oxford Law, LLC, or accepting a call from Oxford Law, LLC, constitutes permission to record the telephone conversation.

#### **Payment Instructions for WEBPAY**

For your convenience you may pay your account directly by going to www.payoxford.com

#### Payment Instructions For Western Union Quick Collect

For your convenience in paying by Western Union, Please note the following instruction, if applicable:

- 1. Call Western Union at 1-800-325-6000 to locate a Western Union agent closest to you.
- 2. Obtain Quick Collect payment form from your Western Union agent. Fill out the Quick Collect payment form completely. Make it payable to TJA & Associates. The code city TJA and the state is NJ, the account number will be <u>your account</u> <u>number</u> found on the front of this letter.
- 3. Give the agent the completed Quick Collect form, the payment amount, and the transactions fee (presently \$12.95) required and payable to Western Union in cash.
- 4. You will receive a receipt from the Western Union agent with a ten-digit control number. This number is proof that the money was sent. Please retain that receipt for your records.

Office Location: 311 Veterans Highway, Suite 100 A, Levittown, PA 19056 Phone: 1-877-543-6151 Business Hours: 8:00am-9:00pm Monday-Thursday, 8:00am-5:00pm Friday, Saturday 8:00am-12:00pm (EDST).